

Doe v. Academir et al. - Deficiency Letter Response

Chris Lawson <Chris.Lawson@fmglaw.com>

Fri 6/7/2024 4:09 PM

To: Kyle MacDonald <kyle@dereksmithlaw.com>

Cc: Julie Karron <Julie.Karron@fmglaw.com>; Kerri A. McLaughlin <Kerri.McLaughlin@fmglaw.com>; Soraya Sierra <Soraya.Sierra@fmglaw.com>; Julie McHaffie <jmchaffie@garrisonyount.com>; Scott Yount <syount@garrisonyount.com>

 6 attachments (5 MB)

Re: Form shared with you: "Title IX Complaint Form"; Office Binder Covers POLICIES.pptx; TITLE IX POLICIES AND PROCEDURES.docx; TITLE IX POLICIES AND PROCEDURES (1).docx; Document Properties.docx; Title IX Policies metadata.jpg;

Good afternoon Kyle,

Thank you for your patience as we work on pulling the documents together. We ran into a few hiccups but have provided what we have, as well as some notes and guidance on the items sought in your letter. We hope the following clarifies any concerns or confusion about the documents sought in your May 24, 2024, letter.

- The non-PDF email chain in # 4 of your letter is attached
- The PowerPoint from which the binder cover was created is attached, per request # 6 in your letter
- The Google Form (# 5):
 - I spoke with our clients and their IT staff, and they have advised me that the only way to access the metadata in the Google Form is by providing a subpoena directly to Google. I have looked over the original Google Form myself and do not see an option or properties tab that indicates when the form was created or encompassing any metadata to it. Our client's IT staff has expressed that Google Form metadata is not available to a user and is only stored/kept through Google directly.
 - We can, however, provide your office with temporary access to the Google Form folder (which has a pane to view any submissions made therefrom), but the only apparent way to do so is to give access to a user with a Gmail account. I was only able to access it from my Gmail account, not my work email. If your team has a Google email or emails we can give temporary access to the Google Form to, please let us know and we can coordinate access to the Google Form. We can discuss how long your team needs to have permissions; would seven days be sufficient for your team to inspect the Google Form?
- The Title IX 2023-2024 and 2022-2023 policies (## 1-3):
 - Attached are the Word document copies our client provided. I will note that our clients had considerable difficulty sending these to us in Word format without the metadata being impacted. My impression from working with these documents over the last two weeks is that the metadata changes when you download, transfer, save a copy of a Word document to PDF, or move a file to a drive. I think this explains why, when we sent the PDF copies, that the creation and edit dates reflected dates around the witness' deposition dates. I have attached the two Title IX policies here in the same format I received them from our client.
 - To help ameliorate any concerns, our client has also provided the screenshots attached with the metadata they could access on *their* system. As you will see, the original was created in 2022----not the dates incidental to the deposition. I was not present at the depositions, but my understanding is that Academir/Superior built off the original created in 2022 when making the 2023-2024 version.

Thank you again for your patience with this matter and please let us know if you have any further questions from here.

Have a wonderful weekend,

Chris Lawson

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